

AMENDED IN SENATE AUGUST 21, 2003

AMENDED IN SENATE APRIL 22, 2003

Senate Constitutional Amendment

No. 8

Introduced by Senator Vasconcellos
(Coauthor: Senator Speier)

February 20, 2003

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as amended, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This measure would require the director to cause each person ~~incarcerated in state prison~~ *who becomes subject to the jurisdiction of the Department of Corrections on or after January 1, 2005, with the exception of inmates serving a sentence of imprisonment for life without the possibility of parole*, within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. Based on these evaluations, the measure would require that a program be prescribed and implemented for the inmate that addresses his or her deficient levels of educational, vocational, and psychosocial

development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.

The measure would also require the Director of Corrections ~~and the Director of the Department of the Youth Authority~~ to make a parenting education course available to every inmate incarcerated in the state corrections system ~~or ward confined by the Department of the Youth Authority, as applicable,~~ who is serving a sentence ~~or term of commitment~~ for a crime involving his or her child or a child formerly under his or her care. This measure would require the parenting course to be susceptible of completion within the ~~sentences or terms of commitment of these inmates or wards~~ *sentence of the inmate*, as specified, and would prohibit a reduction in the sentence ~~or term of commitment~~ for ~~one of these inmates or wards~~ *an inmate* who failed to complete an available parenting course. *The bill would require the Department of the Youth Authority to make a parenting course available to wards confined by that department under similar conditions and criteria.*

This bill would further provide, commencing in the 2005–06 fiscal year, for the application of these provisions, subject to the availability of funding and other specified conditions, to other inmates incarcerated in the state corrections system.

The measure would provide that it would become operative on January 1, 2005.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 WHEREAS, California law states that “the Legislature finds
2 and declares that the purpose of imprisonment for crime is
3 punishment”; and

4 WHEREAS, California’s rate of recidivism is very high, more
5 than one in every two inmates paroled returns to prison, when
6 compared to those of other comparable industrial states and other
7 industrial western nations; and

8 WHEREAS, The manner in which our current system of
9 corrections is now operating is counterproductive to the goal of
10 promoting the public safety of all Californians; and

11 WHEREAS, We owe it to the people of *the State of California*
12 and their safety to far better attend systematically to the
13 constructive rehabilitation of each of our prison inmates prior to
14 his or her release from prison so as to better enable each of these

1 inmates, upon emerging from prison into our midst, to do so
2 constructively and *to* not endanger public safety; and

3 WHEREAS, The purpose of our entire system of law
4 enforcement and corrections ought also to be to promote the public
5 safety of all Californians; and

6 WHEREAS, This measure proposes to reform the corrections
7 system to live up to its name, and to advance and ensure the public
8 safety of all Californians by attending to inmates in ways that hold
9 the most promise for enabling each of them to cure, or at least curb,
10 his or her dangerous ways before his or her release from prison
11 back into our midst; now, therefore, be it

12 *Resolved by the Senate, the Assembly concurring*, That the
13 Legislature of the State of California at its 2003–04 Regular
14 Session commencing on the second day of December 2002,
15 two-thirds of the membership of each house concurring, hereby
16 proposes to the people of the State of California that the
17 Constitution of the State be amended as follows:

18 First—That Section 15.5 is added to Article I thereof, to read:

19 SEC. 15.5. (a) For each inmate who becomes subject to the
20 jurisdiction of the Department of Corrections on or after January
21 1, 2005,, *with the exception of inmates who are serving a sentence*
22 *of imprisonment for life without the possibility of parole*, all of the
23 following apply:

24 ~~(a)~~

25 (1) The Director of Corrections shall cause both of the
26 following to occur:

27 ~~(1)~~

28 (A) Within 90 days of entry, the inmate shall be evaluated in an
29 open, public, and comprehensive way with respect to his or her
30 educational and vocational level of development and capacity.

31 ~~(2)~~

32 (B) Within 90 days of entry, the inmate shall be evaluated
33 comprehensively with respect to his or her psychosocial level of
34 development and ability to lead a constructive life.

35 ~~(b)~~

36 (2) Based on the evaluations conducted pursuant to ~~subdivision~~
37 ~~(a)~~ *paragraph (1)*, the Department of Corrections shall prescribe
38 and implement for each inmate a smart, comprehensive
39 rehabilitation program that addresses his or her deficient levels of
40 educational, vocational, and psychosocial development, so as to

1 better equip him or her to lead a constructive, safe life upon his or
2 her release from prison into our midst, as follows:

3 ~~(1)~~

4 (A) The educational program shall be provided, as needed and
5 insofar as the length of sentence allows, to enable each inmate to
6 qualify to pass the California high school equivalency certificate
7 test and to obtain a California high school equivalency certificate,
8 or high school equivalent, while the inmate is incarcerated, if the
9 inmate has not yet advanced to that educational level.

10 ~~(2)~~

11 (B) The psychosocial program shall be provided as needed to
12 enable each inmate to measure up to a standard of normalcy and
13 capacity to behave constructively and to lead a self-sufficient life,
14 according to a set of standard capacities as determined by an
15 advisory team of mental health experts appointed by the Director
16 of Corrections.

17 ~~(3)~~

18 (C) The vocational capacity program shall be provided as
19 needed to equip each inmate to measure up to set vocational
20 standards, according to a standard skills level determined by an
21 advisory team appointed by the Director of Corrections, consisting
22 of persons knowledgeable in the arenas of employment and
23 vocational education.

24 ~~(e)~~

25 (3) It is the intent of the ~~People~~ *people* of the State of California
26 that this program be sufficiently funded and fully implemented so
27 that each inmate is enabled to prepare himself or herself to reenter
28 our community and live constructively and safely.

29 ~~(d)~~

30 (4) It is the intent of the ~~People~~ *people* of the State of California
31 that this program be annually monitored and assessed by the office
32 of the Inspector General, which shall annually report to the
33 Legislature and Governor with respect to the following:

34 ~~(1)~~

35 (A) How well the program is being operated to live up to its
36 purpose, goals, and mandates.

37 ~~(2)~~

38 (B) How the program could and should be improved.

39 ~~(3)~~



(C) Whether the program is proving successful in reducing recidivism and improving the public safety of Californians.

~~(e)~~

(5) The Director of Corrections shall make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. ~~The Director of the Department of the Youth Authority shall make a parenting education course available to every ward confined by the department who is confined for an offense involving his or her child or a child formerly under his or her care. These parenting~~ *The parenting education course shall be designed to be susceptible of completion within the sentences or terms of confinement of these inmates or wards, as applicable, as adjusted for eligible work, behavior, or other reduction. However, no otherwise applicable reduction may be applied to the sentence or term of confinement or term of confinement of any of these inmates or wards who fails to complete this parenting education, if the education is provided as required by this subdivision.*

(b) Commencing in the 2005–06 fiscal year, subdivision (a) also applies to all other inmates subject to the jurisdiction of the Department of Corrections, with the exception of inmates who are serving a sentence of imprisonment for life without the possibility of parole, to the extent that funds are appropriated for this purpose. The department shall accord highest priority, in expending funds made available for this purpose, to those inmates who are nearest to release from custody.

(c) If sufficient funds have been made available to apply subdivision (a) to all inmates described in subdivisions (a) and (b), upon a statutory finding and declaration by the Legislature that the application of subdivision (a) to inmates who are serving a sentence of imprisonment for life without the possibility of parole would contribute to the safety of individuals who are operating and residing in the state prison, subdivision (a) shall also apply to these inmates to the extent that funds are appropriated for this purpose.

(d) The Director of the Department of the Youth Authority shall make a parenting education course available to every ward confined by the department who is confined for an offense involving his or her child or a child formerly under his or her care. This parenting education course shall be designed to be

1 *susceptible of completion within the terms of confinement of these*
2 *wards, as adjusted for eligible work, behavior, or other reduction.*
3 *However, no otherwise applicable reduction may be applied to the*
4 *term of confinement of any of these wards who fails to complete this*
5 *parenting education, if the education is provided as required by*
6 *this subdivision.*

7 Second—That Section 15.5 of Article I shall become operative
8 on January 1, 2005.

